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### REMARKS

Claims 1, 3-16 and 21-23 are pending in this application. Claims 1, 3, and 15 are amended herein. Claims 17-20 are canceled and claims 21-23 are added herein. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

### Drawings

The drawings were objected to under 37 CFR 1.83 (a) as not showing every feature of the invention specified in the claims. In particular, the examiner has objected that the drawings do not show the porous inner bag claimed in claim 9 and 17. Applicant respectfully disagrees and traverses the objection.

Figure 2 shows the desiccant 10 located within a porous inner bag 15, attached to the inner wall. The desiccant 10 (within the porous inner bag 15) thereby forms the inner layer of the bag. Clearly, Figure 2 does show the porous inner bag 15 containing the desiccant 10 attached to the side wall, and therefore the drawings do show all the features of the claims. As such, Applicants respectfully submit that the drawings are in compliance with Rule 83.

### Section 112 Rejection

Claims 1, 3-8 and 15-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner has objected to "a side wall" in claim 1 and "third moisture indicator level" in claim 15.

Claim 1 has been amended to read "one of the side walls" and claim 15 has been amended to read "third moisture level indicator," as suggested by the Examiner. As such, Applicants respectfully submit that claims are now in compliance with 35 U.S.C. 112, second paragraph.

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**Prior Art Rejections - §102**

Claims 9 and 11-14 have been rejected under 35 U.S.C. 102 (b) as being anticipated by Duncan (U.S. Patent No. 5,293,996, hereinafter "Duncan"). In particular, the Office Action asserts that Duncan discloses or teaches all of the features of claims 9 and 11-14 of the present application. Applicants submit that each and every element as set forth in claims 9 and 11-14 is not found, either expressly or inherently, in Duncan. Thus, the cited reference does not anticipate the claimed invention.

Claim 9, as previously presented, requires "a moisture indicating material mounted within the bag" and "a desiccant material located within the porous inner bag," which is attached to an inner wall. Applicants respectfully submit that Duncan does not teach or suggest both a moisture indicating material mounted within the bag and a desiccant material as claimed. The integration of both of these features into the bag was simply not known in the prior art as of the priority date.

Duncan discloses a bag having three compartments. The first compartment 11 has a humidity indicator device 16 (HT-HI indicator from Humidial) with a transparent window 15. The second compartment 12 stores the article. The third compartment 13 contains a desiccant 31 (DESI PAK desiccant from United Desiccants-Gates).

Duncan does not disclose all the required elements of claim 9. The humidity indicator moves freely within the first compartment and is not "mounted within the bag." The desiccant moves freely in the third compartment and is not located within a porous inner bag that is attached to an inner wall. Duncan is similar to the prior art discussed in the Background Section, because it requires the manual step of inserting those additional components before the bag is sealed.

Claims 15 and 19-20 have been rejected under 35 U.S.C. 102 (b) as being anticipated by Williams et al. (U.S. Patent No. 5,224,373, hereinafter "Williams"). In particular, the Office

Action asserts that Williams discloses all of the features of claims 15 and 19-20 of the present application. Applicants submit that each and every element as set forth in claim 15 is not found, either expressly or inherently, in Williams. Thus, the cited reference does not anticipate the claimed invention.

Claim 15 has been amended to depend from claim 9. As a result, claim 15 is allowable at least by reason of depending from an allowable claim. By virtue of depending from claim 9, claim 15 requires "a moisture indicating material mounted within the bag" and "a desiccant material located within the porous inner bag," which is attached to an inner wall. Therefore, both the moisture indicator and the desiccant are integrated into the bag. The integration of both of these features into the bag was not known in the prior art as of the priority date.

Williams does not disclose all the required elements of claim 15. Williams does not disclose the use of a desiccant, let alone a desiccant which is attached to the side wall as claimed. Therefore, Applicants respectfully submit that claim 15 is allowable over the references of record.

#### **Prior Art Rejections - §103**

Claims 1 and 3-8 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Neteler (U.S. Patent No. 6,531,197, hereinafter "Neteler") in view of Duncan. Applicants submit that each and every element as set forth in claims 1 and 3-8 is not taught or suggested, either expressly or inherently, in any valid combination of the cited references. Thus, the cited references do not render obvious the claimed invention.

Claim 1, as previously presented, specifically recites "a moisture indicating material mounted within the bag" and "a desiccant which defines at least a portion of an inner surface of the side wall." Applicants respectfully submit that the references of record do not teach or suggest the limitations of claim 1.

Neteler discloses a container having a durable outer layer 30, a moisture barrier intermediate layer 22 and a desiccant containing inner layer 24. Neteler does not disclose all the required elements of claim 1. For example, Neteler, does not disclose a humidity indicator, and Neteler does not disclose a transparent portion of the side wall. The novelty submissions of Duncan in relation to claim 9 are relevant to claim 1, and are repeated in relation to the non-obviousness of claim 1.

Further, Duncan cannot be validly combined with Neteler. Duncan already has a desiccant and therefore there would be no benefit or motivation to replace the desiccant with that from Neteler.

In any event even if such a combination were appropriate (which it is not), the combined references would still not incorporate a moisture indicator mounted within the bag, as required by the claim. The humidity indicator in Duncan moves freely within the first compartment and Neteler teaches no humidity indicator at all. As a result, the claim is allowable.

Claims 1 and 3-7 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Neteler in view of Williams. Applicants submit that each and every element as set forth in claims 1 and 3-7 is not taught or suggested, either expressly or inherently, in any valid combination of the cited references. Thus, the cited references do not render obvious the claimed invention.

Claim 1, requires "a moisture indicating material mounted within the bag" and "a desiccant which defines at least a portion of an inner surface of the side wall." Applicants respectfully submit that the references of record do not teach or suggest the limitations of claim 1.

Neteler does not disclose all the required elements of claim 1. For example, as discussed above, Neteler does not disclose a humidity indicator. Further, Neteler does not disclose a transparent portion of the side wall.

The novelty submissions of Williams in relation to claim 15 are relevant to claim 1, and are repeated in relation to the non-obviousness of claim 1.

Further, Neteler cannot validly be combined with Williams. Williams is related solely to humidity indicators and Neteler is related solely to desiccants. There is no reason why they would be combined as of the priority date, without of course the benefit of hindsight after consideration of the present invention. Each citation relates to a different field of endeavor, and neither contains any suggestion or motivation which might lead to the present invention.

Moreover the table below lists the US and International classes of the cited references relied upon by the Examiner. Clearly Williams is in vastly different classes compared to Neteler. Thus the cited references would not be found in a single search by a skilled searcher. None of the documents refer to each other.

CITATION	US CLASS	IPC CLASS
Williams	73/29.02	G01W 1/00
Neteler	428/34.7	B65D 30/08

As such, it is most strongly submitted that the combination of Williams and Neteler cannot be a valid combination and as such the obviousness rejection is unjustified.

Claims 9-14 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Carbonneau (U.S. Patent No. 5,791,485, hereinafter "Carbonneau") in view of Duncan. Applicants submit that each and every element as set forth in claims 9-14 is not taught or suggested, either expressly or inherently, in any valid combination of the cited references. Thus, the cited references do not render obvious the claimed invention.

Carbonneau discloses a carrier 20 within the protection bag 10 for holding the dessicant 22 and the humidity indicator 24. Carbonneau is similar to the prior art discussed in the Background

Section, because it requires the manual step of inserting those additional components before the bag is sealed.

The novelty submissions of Duncan in relation to claim 9 are repeated in relation to the non-obviousness of claim 9.

In any event Duncan cannot be validly combined with Carbonneau. In both cases the bag already has separate compartments for a desiccant and a humidity indicator to be manually placed into. There is therefore no motivation or purpose to combine the references.

Claims 9-13 and 17-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Carbonneau in view of Williams. Applicants submit that each and every element as set forth in claims 9-13 is not taught or suggested, either expressly or inherently, in any valid combination of the cited references. Thus, the cited references do not render obvious the claimed invention.

Carbonneau discloses a carrier 20 within the protection bag 10 for holding the dessicant 22 and the humidity indicator 24. Carbonneau is similar to the prior art discussed in the Background Section, because it requires the manual step of inserting those additional components before the bag is sealed.

The novelty submissions of Williams in relation to claim 15 are repeated in relation to the non-obviousness of claim 9.

In any event Williams cannot be validly combined with Carbonneau. There is no motivation or purpose to combine the references. Both already have moisture indicators. Carbonneau has a compartment for a desiccant to be manually placed into, and Williams appears to teach away from a desiccant.

Moreover the table below lists the US and International classes of the cited references relied upon by the Examiner. Clearly Williams is in vastly different classes compared to Carbonneau. Thus the cited references would not be found in a single search by a skilled searcher. None of the documents refer to each other.

CITATION	US CLASS	IPC CLASS
Williams	73/29.02	G01W 1/00
Carbonneau	206/720	B65D 30/002

As such, it is most strongly submitted that the combination of Williams and Neteler cannot be a valid combination and as such the obviousness rejection is unjustified.

Claims not specifically discussed herein depend from either claim 1 or claim 9 and add further limitations to the respective base claim. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

For example, claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Hu et al. (U.S. Patent No. 3,768,976, hereinafter "Hu"). Claim 16 depends from claim 15, which depends from claim 9. As a result, arguments made with respect to those claims apply equally to claim 16.

Moreover the table below lists the US and International classes of the cited references relied upon by the Examiner. Clearly Williams is in vastly different classes compared to Hu. Thus the cited references would not be found in a single search by a skilled searcher. None of the documents refer to each other.

CITATION	US CLASS	IPC CLASS	RECEIVED CENTRAL FAX CENTER OCT 10 2006
Williams	73/29.02	G01W 1/00	
Hu	422/58 (reclassified from 23/254)	G01M 31/00	

As such, it is most strongly submitted that the combination of Williams and Neteler cannot be a valid combination and as such the obviousness rejection is unjustified.

#### **Restriction Requirement**

The Office Action considers that the application contains claims directed to two patentably distinct species. Applicants respectfully disagree and submit that the claims are generic and that a species election is not required under 35 U.S.C. 121. Applicants therefore traverse the requirement for a species election.

Figure 2 shows the desiccant 10 is located within a porous inner bag 15, attached to the inner wall. The desiccant 10 (within the porous inner bag 15) thereby forms the inner layer of the bag. Therefore the two species mistakenly identified by the Examiner in fact relate to a single embodiment. As there is in fact only one species then no election is required.

In the event that a species election is required (which is not admitted), then Applicants elect species I to the desiccant as an internal portion of the bag wall. All claims read on species I and species II.

#### **Conclusion**


In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that



there are any fees due, please charge the same, or credit any overpayment, to Deposit Account  
No. 50-1065.

Respectfully submitted,

10/10/06  
Date

  
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